

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EK VENTURES I, LLC; DAVID L.
TAYLOR; DAVID L. TAYLOR AND
VIRGINIA L. TAYLOR as TRUSTEES
FOR THE TAYLOR FAMILY
REVOCABLE TRUST; and
FLEXTRONICS INTERNATIONAL
LTD.,

Plaintiffs,

v.

JAMES R. BARTLETT and Z.B.R.
PUBLICATIONS, INC.,

Defendants

and

JAMES R. BARTLETT,

Third-Party Plaintiff,

v.

GLOBALWARE SOLUTIONS, INC.,
ANTHONY RUDSTON and
BRADLEY A. JAY,

Third-Party Defendants

No: 1:03-CV-12506-NMG

**DEFENDANT Z.B.R. PUBLICATIONS, INC.'S OPPOSITION
TO PLAINTIFFS' MOTION TO COMPEL**

Defendant Z.B.R. Publications, Inc. ("ZBR") submits this Opposition to Plaintiffs' Motion to Compel Discovery Requests. In support of its Opposition, ZBR states:

- Contrary to Plaintiffs' Motion, and contrary to the Affidavit submitted by Douglas R. Roach in support of Plaintiffs' Motion, ZBR has responded to Plaintiffs'

discovery requests. Plaintiffs' counsel failed to attach them to Plaintiffs' Motion, or otherwise bring ZBR's responses to the Court's attention.

- Following the breakdown of settlement negotiations between the parties in late October, and Plaintiffs' revocation of a voluntary stay of discovery, ZBR served objections to Plaintiffs' requests for documents and interrogatories on October 27, 2004.
- ZBR also produced more than one thousand pages of documents referenced in its initial disclosures on November 8, 2004.

Plaintiffs simply ignore these responses, all of which predate their Motion.

- In addition, ZBR produced nearly six thousand pages of documents responsive to Plaintiffs' document requests on December 1, 2004. ZBR provided written responses to Plaintiffs interrogatories on December 3, 2004.
- Since the termination of the party's informal stay, ZBR has responded to all of Plaintiffs' outstanding requests and has produced thousands of pages of responsive documents. ZBR continues to produce responsive documents.

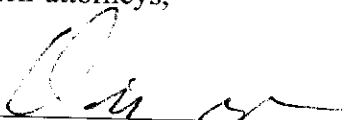
Accordingly, the Court's intervention in discovery in this action is unnecessary.

For these reasons, as well as those set forth in ZBR's Memorandum of Law and supporting exhibits, Plaintiffs' Motion to Compel should be denied.

Respectfully submitted,

Z.B.R. PUBLICATIONS, INC.

By their attorneys,



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Dated: December 8, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon all parties who have appeared by mail on December 8, 2004.

